D.B. CIVIL SPECIAL APPEAL (W) NO.164/2006
Sher Singh Vs. The State of Rajasthan & Anr.

Date : 26.02.2007

PRESENT

HON'BLE MR. JUSTICE RAJESH BALIA
HON'BLE MR. JUSTICE CHATRA RAM JAT

Mr. R.S. Shekhawat for the appellant.
Mr. L.R. Upadhyay, Dy. Government Advocate.

Having heard learned counsel for the parties we are satisfied that the interim order passed by the learned Single Judge on 22.8.2006 deserves to be continued notwithstanding filing any application under Article 226(3) and expiry of the period, the application for interim relief does not stand terminated automatically. The effect is only to vacate the operation of the ad interim exparte order. But application for interim relief remains pending on merit, in case no order is passed after hearing but order becomes ineffective only due to efflux of time without passing any order. In that event the application for interim relief survives for consideration on merit. No order on the application for interim relief was passed by the learned Single Judge while referring to the effect of efflux of time on the ex-

parte interim order.

We in the circumstances, considering the rival submissions, deem it just and proper to direct that the ad interim order passed by this Court on 22.8.2005 ought be continued, if it had not already been given effect to prior to passing of the order and the writ petition filed by the appellant may be decided as expeditiously as possible for which the appellant may make an appropriate application before the Court.

Accordingly, the appeal is allowed.

[CHATRA RAM JAT], J. [RAJESH BALIA], J.

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